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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,766	05/23/2001	Davide Mandato	450117-03308	4282

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745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/864,766	<b>Applicant(s)</b> MANDATO, DAVIDE	
	<b>Examiner</b> Hassan Phillips	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 41-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This action is in response to the request for continued examination filed on May 25, 2005, and the amendments and remarks filed on April 15, 2005.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 25, 2005, has been entered.

#### ***Response to Arguments***

3. Applicant's arguments filed January April 15, 2005 have been fully considered but they are not persuasive. Applicant argued that: Arunachalam fails to teach or suggest a QoS broker unit being managed by a component coordinator unit and coordinating management of resources of a wireless mobile device and of remote resources by using negotiation and re-negotiation protocols. Examiner respectfully disagrees.

In response to applicant's argument, Examiner asserts that the "QoS manager" disclosed by Arunachalam has been interpreted as Applicant's "component coordinator", and the "QoS agent" disclosed by Arunachalam has been interpreted as

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Applicant's "QoS broker". Accordingly, it is clear Arunachalam teaches the QoS agent being managed by the QoS manager, (col. 2, lines 43-67, and col. 3, lines 1-6), and coordinating management of resources of a wireless mobile device and of remote resources by using negotiation and re-negotiation protocols, (col. 7, lines 13-28, col. 11, lines 17-30, and Fig.'s 2-3).

Furthermore, the Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. Applicant is requested to review the prior art of record for further consideration.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 41-76, are rejected under 35 U.S.C. 102(e) as being anticipated by Arunachalam et al. (hereinafter Arunachalam), U.S. Patent 6,631,122.

6. In considering claims 41 and 59 Arunachalam teaches a processing system and a computer readable storage medium for a wireless mobile device comprising: a component coordinator unit for providing applications of the wireless mobile device with a generic platform and network-independent framework that uses a platform and network-neutral set of application adaptation mechanisms, including a QoS negotiation and re-negotiation protocol, (col. 2, lines 43-67, and col. 3, lines 1-6); and a QoS broker unit being managed by the component coordinator unit and coordinating management of resources of the wireless mobile device and of remote resources by using said negotiation and re-negotiation protocol, (col. 7, lines 13-28, col. 11, lines 17-30, and Fig.'s 2-3).

7. In considering claims 42 and 60, Arunachalam teaches the protocol using piggyback mechanisms for QoS negotiating and re-negotiating. See col. 5, lines 36-53.

8. In considering claims 43 and 61, Arunachalam teaches the generic framework addressing different types of applications including existing applications and applications that rely on middleware. See col. 4, lines 16-33.

9. In considering claims 44 and 62, Arunachalam teaches the generic framework based on an application model in which each application is allocated to one of a set of application classes having different QoS level with respect to resource usage. See col. 2, lines 43-67, and col. 3, lines 1-6.

10. In considering claims 45 and 63, it is inherent in the teachings of Arunachalam that fallback mechanisms are provided for a backward-compatibility between the application classes. See col. 4, lines 16-33.

11. In considering claims 46 and 64, Arunachalam teaches the framework based on a communication model with different functional communication levels for exploiting the various resources in a coordinated manner so as to achieve the desired overall QoS level. See col. 12, lines 59-67, and col. 13, lines 1-10.

12. In considering claims 47 and 65, Arunachalam teaches the communication levels including an application, a session, an association, and a stream level. See col. 12, lines 59-67, and col. 13, lines 1-10.

13. In considering claims 48 and 66, Arunachalam teaches the QoS broker unit coordinating an external network resource booker unit which manages network resource reservation mechanisms in a implementation independent way. See col. 4, lines 16-59.

14. In considering claims 49 and 67, Arunachalam teaches a session manager unit being coordinated by the QoS broker unit for establishing and managing sessions in an independent way. See col. 4, lines 16-59.

15. In considering claims 50 and 68, Arunachalam teaches one or more chain coordinator units being managed by the QoS broker unit through the session manager unit and managing one or more component chains, each chain being associated with a stream. See col. 4, lines 16-59.

16. In considering claims 51 and 69, Arunachalam teaches one or more CPU-manager units coordinated by the chain coordinator units for managing CPU-resource usage. See col. 4, lines 16-59.

17. In considering claims 52 and 70, Arunachalam teaches a CPU-resource controller unit providing the CPU-manager unit with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

18. In considering claims 53 and 71, Arunachalam teaches one or more memory manager units, coordinated by the chain coordinator units for managing memory resource usage. See col. 4, lines 16-59.

19. In considering claims 54 and 72, Arunachalam teaches a memory controlling unit for providing the memory manager units with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

20. In considering claims 55 and 73, Arunachalam teaches one or more network protocol manager units coordinated by the chain coordinator units for managing network protocol resource usage. See col. 4, lines 16-59.

21. In considering claims 56 and 74, Arunachalam teaches a network protocol controller unit for providing the network protocol manager units with resource status information retrieval and control. See col. 4, lines 16-59.

22. In considering claims 57 and 75, Arunachalam teaches one or more multimedia components coordinated by coordinator units for managing multimedia resources. See col. 4, lines 16-59.

23. In considering claims 58 and 76, Arunachalam teaches a multimedia controller providing the multimedia component units with platform-independent resource status information retrieval and control. See col. 4, lines 16-59.

### ***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
8/5/05

  
ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER